

FILED

SEP 11 2013

**Board of Vocational Nursing
and Psychiatric Technicians**

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**BEFORE THE
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

LINDA JUNE SCHEELER
5632 Van Nuys Blvd, Apt. 112
Van Nuys, CA 91401

Vocational Nurse License No. VN 129089

Respondent.

Case No. VN-2012-729

A C C U S A T I O N

Complainant alleges:

PARTIES

1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians, Department of Consumer Affairs.

2. On or about September 24, 1985, the Board of Vocational Nursing and Psychiatric Technicians issued Vocational Nurse License No. VN 129089 to Linda June Scheeler (Respondent). The Vocational Nurse License expired on July 31, 2013.

JURISDICTION

3. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

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1 "(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
2 violating of, or conspiring to violate any provision or term of this chapter.

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4 "(f) Conviction of a crime substantially related to the qualifications, functions, and duties
5 of a licensed vocational nurse, in which event the record of the conviction shall be conclusive
6 evidence of the conviction."

7 **REGULATORY PROVISIONS**

8 8. California Code of Regulations, title 16, section 2521 states, in pertinent part:

9 "For the purposes of denial, suspension, or revocation of a license pursuant to Division 1.5
10 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be
11 considered to be substantially related to the qualifications, functions or duties of a licensed
12 vocational nurse if to a substantial degree it evidences present or potential unfitness of a licensed
13 vocational nurse to perform the functions authorized by his license in a manner consistent with
14 the public health, safety, or welfare."

15 **COST RECOVERY**

16 9. Section 125.3 provides, in pertinent part, that the Board may request the
17 administrative law judge to direct a licentiate found to have committed a violation or violations of
18 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
19 enforcement of the case.

20 **FIRST CAUSE FOR DISCIPLINE**

21 **(Conviction of a Substantially Related Crime)**

22 10. Respondent is subject to disciplinary action under section 2878, subdivision (f) and
23 490, in conjunction with California Code of Regulations, title 16, section 2521, in that
24 Respondent has been convicted of a crime substantially related to the qualifications, functions,
25 and duties of a licensed vocational nurse. On or about February 25, 2013, Respondent was
26 convicted of one misdemeanor count of violating Penal Code section 148.1, subdivision (c) [false
27 bomb report to police officer or media] in the criminal proceeding entitled *The People of the State*
28 *of California v. Linda June Scheeler* (Super. Ct., Los Angeles County, 2013, No. 2PY04908).

1 The Court sentenced Respondent to serve 56 days in Los Angeles County Jail and placed her on
2 36 months probations with terms and conditions. The circumstances surrounding the conviction
3 are that on or about August 13, 2012, Respondent called Franchise Tax Board Tax Technician,
4 Anthony Porten regarding a tax lien against her. She was distressed, angry, and crying.
5 Respondent seemed very upset and stated, "I don't know what to do, I feel like my only options
6 right now are to kill myself or take a bomb into your office." Respondent was subsequently
7 arrested for violating Penal Code section 422 [criminal threats].

8 **SECOND CAUSE FOR DISCIPLINE**

9 **(Unprofessional Conduct)**

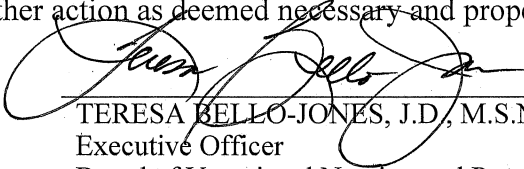
10 11. Respondent is subject to disciplinary action under section 2878, subdivision (a) and
11 (d), in that Respondent committed acts of unprofessional conduct. Complainant refers to, and by
12 this reference incorporates, the allegations set forth above in paragraph 8, as though set forth
13 fully.

14 **PRAYER**

15 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
16 and that following the hearing, the Board issue a decision:

- 17 1. Revoking or suspending Vocational Nurse License No. VN 129089, issued to Linda
18 June Scheeler;
- 19 2. Ordering Linda June Scheeler to pay the Board of Vocational Nursing and Psychiatric
20 Technicians the reasonable costs of the investigation and enforcement of this case, pursuant to
21 section 125.3; and
- 22 3. Taking such other and further action as deemed necessary and proper.

23 DATED: **SEP 11 2013**

24 
25 TERESA BELLO-JONES, J.D., M.S.N., R.N.
26 Executive Officer
Board of Vocational Nursing and Psychiatric Technicians
Department of Consumer Affairs
State of California
Complainant

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